

PROPOSED REVISIONS TO THE FCC POLICY FOR THE TOWN OF SIMSBURY WATER POLLUTION CONTROL AUTHORITY

The Town of Simsbury Water Pollution Control Authority (the “Authority”) proposes to modify its policy concerning the facility connection charge (“FCC”) for residential dwelling units.

Specifically, the Authority proposes to create a stratified facility connection charge, as follows:

- 1) For an apartment or condominium that is less than 1,200 square feet, if and to the extent that it has only one bedroom, an FCC equal to 70% of the standard charge for an Equivalent Dwelling Unit (“EDU”), which would equal \$2,865.00;
- 2) For an apartment or condominium that does not qualify under category one, and that is less than 2,000 square feet, if and to the extent that said apartment or condominium has no more than two bedrooms, an FCC equal to 80% of the standard charge for an EDU, which would equal \$3,275.00;
- 3) Any residential dwelling unit that does not satisfy either of the two criteria stated above will be charged a FCC equal to the standard charge for an EDU, the sum of \$4,095.00.

For purposes of the FCC policy, and, specifically, for purposes of determining the number of bedrooms contained within a dwelling unit, the Authority proposes to incorporate by reference, and adopt, the definition of a “bedroom” contained within the State of Connecticut, Dept. of Public Health Technical Standards for Subsurface Sewage Disposal Systems (Effective August 16, 1982; Revised January 1, 2009), as the same may be amended from time to time. Said definition, as set forth in said Technical Standards, is set forth on Exhibit A attached hereto and hereby made a part hereof.

As used in the FCC policy, the term condominium has the following definition: a dwelling unit contained within a single building in which there are at least two separate dwelling units contained within the exterior walls of said building; provided that the title to the land underlying said building is not owned by the individual owners of said dwelling units. The presence of physical space for office, retail or other non-residential uses within the exterior walls of said building shall not disqualify a dwelling unit within the building from being a condominium. In the case of such a “mixed use” building, the portion of the building composed of dwelling units will be assessed a separate FCC for each and every dwelling unit, in accordance with the stratified charges set forth in numbered paragraphs 1 through 3 above, and the balance of the mixed use building will be assessed a FCC based on the custom and practice of the Authority for assessing such a charge against a commercial establishment.

As used in the FCC policy, the term apartment has the following definition: a dwelling unit contained within a building that contains at least two separate dwelling units within the exterior walls of said building; provided that the title to the building and to the land underlying said

building is all owned by the same person or entity for the purpose of leasing the space in the building to persons who will have no ownership interest in any part of the building, or the land, or in any entity that itself owns the building or the land. The presence of physical space for office, retail or other non-residential uses within the exterior walls of said building shall not disqualify a dwelling unit within the building from being an apartment. In the case of such a “mixed use” building, the portion of the building composed of dwelling units will be assessed a separate FCC for each and every dwelling unit, in accordance with the stratified charges set forth in numbered paragraphs 1 through 3 above, and the balance of the mixed use building will be assessed a FCC based on the custom and practice of the Authority for assessing such a charge against a commercial establishment.

For the avoidance of doubt, a mixed use building that has four dwelling units (whether the same be an apartment or a condominium) will be assessed (a) four separate FCCs, one for each dwelling unit contained therein (and the amount of the FCC for a respective dwelling unit shall depend upon the square footage and bedroom composition of said unit, as determined by the application of criteria set forth in numbered paragraphs 1 through 3 above), and (b) an additional FCC for the commercial space (the amount of which will be based on the aforesaid custom and practice of the Authority in assessing commercial establishments).

The square footage of an apartment or condominium shall be defined, for purposes of this policy, as follows: the combined total area of floor-level habitable space, for each and every floor, within the interior walls of an apartment or condominium, determined without regard to whether a fixture or other object is occupying, or intended to occupy, such space.

Any owner of an apartment building or of a building composed of condominium units or apartments, in whole or in part (i.e., including mixed use buildings that contain apartments and condominiums), who desires to connect to the Water Pollution Control Facility, shall furnish to the Authority drawings and specifications that depict for each apartment or condominium, the following: (1) the number of bedrooms in the apartment or condominium (as the term bedroom is defined in this policy); and (2) the square footage of each apartment and condominium (as the term square footage is defined in this policy). The owner (either itself or by and through a duly authorized agent) shall declare and certify to the Authority, under oath, that the drawings and specifications, including the number of bedrooms contained within, and the square footage of, each apartment or condominium, are substantially correct.

Exhibit A

**State of Connecticut, Dept. of Public Health
Technical Standards for
Subsurface Sewage Disposal Systems
Effective August 16, 1982
Revised January 1, 2009**

Bedroom means those areas within a residential building that have the potential to be utilized as a sleeping area on a consistent basis. In order to be deemed a bedroom the room must meet all of the following standards:

1. Be a habitable or planned habitable space per Building Code requirements. Planned habitable spaces would include those areas which contain the appropriate “roughed- in” mechanicals, such as, heating ducts, hot water lines, or plumbing waste lines, etc., but are not currently “finished” to meet Building Code requirements for habitable space.
2. Provide privacy to the occupants. Large (minimum 5 feet width) openings or archways can be utilized to eliminate room privacy.
3. Full bathroom facilities (containing either a bathtub or shower) are conveniently located to the bedroom served. Convenience in this case means on the same floor as the bedroom or directly accessed from a stairway.
4. Entry is from a common area, not through a room already deemed a bedroom.